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JUN 17 2008

VIA HAND DELIVERY

June 17, 2008

Hon. Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Kristin Miles v. Theresa Mueller and Karl Wilder
08 CV 1477 (RMB)

6/18/08

Dear Judge Berman:

I represent the defendants in this action, and write to you in response to plaintiff's letter dated June 16, 2008. Counsel for plaintiff is seeking some unspecified relief from the Court without even attempting to first contact the undersigned, and it is plaintiff's own inaction and neglect that caused any failures plaintiff complains about.

This action was dismissed on or about April 3, 2008 when plaintiff failed to attend the first conference before the Court and failed to notify defendants of the actual date for the conference. Despite this, the Court set another conference date for April 10, 2008, and urged the parties to make all efforts to resolve their differences outside of litigation, setting a further conference date for May 14, 2008.

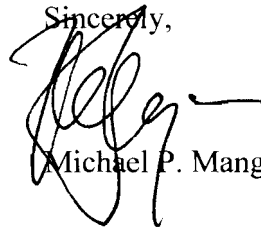
In the intervening weeks, I left several telephone messages for plaintiff's counsel that went unreturned. On April 30, 2008, I wrote to counsel asking him to please contact me to discuss the positions of the parties. In early May I was able to finally engage plaintiff's counsel in a telephone conversation, and on or about May 8, 2008, defendants offered to sign a stipulation of dismissal in the plaintiff's favor. I transmitted the proposed stipulation to counsel on May 8, 2008, and plaintiff did not respond with comments or objections at any time. On May 13, 2008, plaintiff's counsel wrote to the Court requesting a cancellation of the May 14, 2008 conference on the basis that the parties had come to an agreement in principal to settle the case.

Your Honor, however, required counsel to appear on May 14, 2008. On that morning, counsel for plaintiff contacted me by telephone and told me that he would be running late, by approximately thirty-minutes. After close to two hours of waiting in Your Honor's courtroom for counsel's appearance, the Court secretary attempted to

contact plaintiff's counsel by phone and he stated that he was in traffic on the New Jersey side of the Holland Tunnel. This was the second conference that went unattended by plaintiff.

It was not until June 5, 2008 that plaintiff provided any comments to the proposed stipulation of dismissal, and did so by drafting a counter-proposal which completely disregarded the proposed terms of defendants' May 8, 2008 offered stipulation. Since June 5, 2008, plaintiff's counsel has made no effort to contact me to discuss any aspect of the stipulations or this settlement. Instead, counsel has written to the Court blaming defendants of resistance.

Sincerely,



Michael P. Mangan (MM-5773)

Cc: Ronald Coleman, Esq. (via facsimile)
Attorney for Plaintiff

Stop! Work it out.	
SO ORDERED:	Richard M. Berman
Date: 6/17/08	Richard M. Berman, U.S.D.J.